

ORDINANCE NO. 776

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HEDWIG VILLAGE, TEXAS AMENDING ARTICLE V, ZONING REGULATIONS, SECTION 506, BUSINESS DISTRICT B, AND ARTICLE II, DEFINITIONS AND INTERPRETATION, SECTION 202, DEFINITIONS, OF THE HEDWIG VILLAGE PLANNING AND ZONING CODE TO ALLOW MEDIUM DENSITY, SINGLE-FAMILY RESIDENTIAL THROUGH PLANNED UNIT DEVELOPMENTS IN THE BUSINESS B-2 ZONING DISTRICT OF THE CITY

WHEREAS, pursuant to Section 705 of the Hedwig Village Planning and Zoning Code, the City Council of the City of Hedwig Village, Texas and the Planning and Zoning Commission of the City of Hedwig Village, Texas have held a joint public hearing to consider possible amendments to the Hedwig Village Planning and Zoning Code; and

WHEREAS, pursuant to Section 710 of the Hedwig Village Planning and Zoning Code, the Planning and Zoning Commission of the City of Hedwig Village, Texas submitted its written recommendation to the City Council of the City of Hedwig Village, Texas concerning proposed amendments to Article V, Zoning Regulations, Section 506, Business District B, and Article II, Definitions and Interpretations, Section 202, Definitions, of the Hedwig Village Planning and Zoning Code; and

WHEREAS, pursuant to Sections 711 and 712 of the Hedwig Village Planning and Zoning Code, the City Council of the City of Hedwig Village, Texas, has considered the recommendation of the Planning and Zoning Commission, concerning the proposed amendments to the City's Planning and Zoning Code relating to nonconformity of residential properties; and

WHEREAS, the City Council of the City of Hedwig Village, Texas, has concluded that amendments should be made to Article V, Zoning Regulations, Section 506, Business District B, and Article II, Definitions and Interpretations, Section 202, Definitions, of the Hedwig Village Planning and Zoning Code to allow medium density, single-family residential through Planned Unit Developments in the Business B-2 zoning district of the City

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HEDWIG VILLAGE, TEXAS THAT:

Section 1. The Recitals set forth above are found to be true and correct and are adopted as the findings of fact of the City.

Section 2. Article II, Definitions and Interpretations, Section 202, Definitions, of the Planning and Zoning Code of the City of Hedwig Village, Texas is amended by adding a new definition to read as set out in Appendix A, attached hereto, and Article V, Zoning

Regulations, Section 506, Business District B, subsection (A)(1)(c) of the Planning and Zoning Code of the City of Hedwig Village, Texas is amended to read as set out in Appendix B, attached hereto. All other portions of the Planning and Zoning Code not specifically amended hereby remain in full force and effect.

Section 3. All ordinances and parts of ordinances in conflict with this Ordinance are repealed to the extent of the conflict only.

Section 4. If any word, phrase, clause, sentence, paragraph, section or other part of this Ordinance or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, neither the remainder of this Ordinance, nor the application of such word, phrase, clause, sentence, paragraph, section or other part of this Ordinance to any other persons or circumstances, shall be affected thereby.

Section 5. The City Council officially finds, determines and declares that a sufficient written notice of the date, hour, place and subject of each meeting at which this Ordinance was discussed, considered or acted upon was given in the manner required by the Texas Open Meetings Act, as amended, and that each such meeting has been open to the public as required by law at all times during such discussion, consideration and action. The City Council ratifies, approves and confirms such notices and the contents and posting thereof.

PASSED, APPROVED and ADOPTED this, the 15th day of October, 2020.

Brian T. Muecke, Mayor
City of Hedwig Village, Texas

ATTEST:

Kelly Johnson, City Secretary
City of Hedwig Village, Texas

Appendix A

Appendix A – PLANNING AND ZONING CODE
Article II. – DEFINITIONS AND INTERPRETATION
Section 202 – Definitions

New subsection (34.5) to be added:

(34.5)Medium Density Residential Developments. A residential development of single-family detached homes at a maximum density of ten (10) dwelling units an acre.

Appendix B

Appendix A – PLANNING AND ZONING CODE

Article V. – ZONING REGULATIONS

Section 506 – Business District B, Subsection A, Use of Property

Section 506(A)(1)(c) to read as follows:

c. *Business districts B-2.* No property shall be used and no building shall be hereafter used, erected, reconstructed, altered, or enlarged unless otherwise provided in this code, except for one or more of the following uses or uses which are equivalent thereto as determined by the planning and zoning commission:

- (1) At least 50 percent of the aggregate net leasable space of the ground floor(s) of a building or 50 percent of the aggregate net leasable space of the ground floors of buildings which comprise a retail center or business office complex shall be used for sales tax generating businesses;
- (2) Businesses on floors above the ground floor are not required to be sales tax generating businesses;
- (3) Single-family homes on individually platted lots in a medium density development along a public or private street may be approved through a Planned Unit Development under the following conditions:
 - a. All homes adjacent to public streets shall adequately address the street frontage by providing landscaping, and pedestrian access for the property owner. These homes may be designed as live and work lofts.
 - b. All residences must have a private garage. Access to all garages shall be through a common private drive within the development, and not through a public street.
 - c. A minimum of six (6) feet distance between individual dwelling units.
 - d. Maximum Height is 45 feet above natural grade within 200 feet of any residential lot in district A or C or 55 feet for dwellings at a distance greater than 200 feet of any residential lot in district A or C.
 - e. Minimum development size of 3.5 acres and shall satisfy the density requirements of a medium density residential developments.
 - f. One additional parking space per dwelling unit.
- (4) Healthcare, medical, and social assistance offices must not exceed 30 percent of overall square footage of the building.